

20:78:03:09. Provisional licenses, permits, or certificates issued pursuant to settlement agreement. The executive secretary may enter into a settlement agreement with an applicant that provides for the issuance of a provisional license, permit, or certificate by the executive secretary. A provisional license, permit, or certificate issued by the executive secretary is valid only until the board takes final agency action on the settlement agreement and notice is provided to the applicant. Board approval of the settlement agreement ratifies the action of the executive secretary and the license, permit, or certificate is valid for its term under any specified terms and conditions. Board disapproval of a settlement agreement voids the provisional license, permit, or certificate upon notice to the applicant. If the board disapproves a settlement agreement, the board shall schedule a contested case hearing for final agency action on the application and require the executive secretary to file a petition for hearing.

Source: 38 SDR 127, effective February 7, 2012.

General Authority: SDCL 36-4-35, 36-4A-42, 36-4B-35, 36-10-36, 36-10B-7, 36-29-17, 36-31-13, 36-36-12.

Law Implemented: SDCL 36-4-18, 36-4-20.2, 36-4-20.7, 36-4-20.10, 36-4-28, 36-4-30, 36-4-31.6, 36-4A-8, 36-4A-8.1, 36-4A-38, 36-4A-39, 36-4B-6, 36-4B-13, 36-4B-31, 36-10-27, 36-10-28, 36-10-29, 36-10-35.1, 36-10-35.2, 36-10-38, 36-10-40, 36-10-41, 36-10B-3, 36-10B-6, 36-10B-7, 36-10B-10, 36-29-3, 36-29-3.1, 36-29-7, 36-29-22, 36-31-5, 36-31-6, 36-31-9, 36-31-10, 36-31-18, 36-36-5, 36-36-9, 36-36-13.